IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

Appeal Lodging No. 29l of 2004
in
Company Petition No.408 of 2003
with
Notice of Motion No.l565 of 2004

Delta Mechcons (India) Ltd.. appellants
vs
Yogendra L Kandhuri and ors.....Respondents

Mr.Anurag Gokhale i/b Milan Bhise and co for appellants
M Sanklecha with S P Bharti for respondents

CORAM: A.P.SHAH & S.J.VAZIFDAR JJ.

Dated l7.l.2005

P.C:
Heard advocates.

. Undertaking of the Chairman and Managing Director of the appellant company tendered by the learned counsel for the company taken on record and marked "X" for identification.

. In view of the undertaking of the Chairman and Managing Director of the company, the order under appeal is set aside. Appellant company shall make deposit of the balance amount by instalment as per the undertaking with effect from February 2005 and the respondent is at liberty to withdraw the amount deposited by the Appellant company. In case of any single default in payment of instalments the appeal

to stand dismissed and the order of the learned single Judge to stand revived and the undertaking would become enforceable. The appeal is accordingly disposed of.

Certified copy is expedited.